

EXPRESS MAIL NO. EM555262605US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Hy
Supl
IOS

In re application of:

Pamela R. CONTAG

Application No. 08/844,336

Filed: April 18, 1997

For: **BIODETECTORS TARGETED TO
SPECIFIC LIGANDS**

Art Unit: 1815

Examiner: Unassigned

Attorney's Docket No: 07953.0004.999

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Group Art Unit 1801
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Information Disclosure Statement filed on 10-08-97 in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

Application No. 08/884,336
Attorney Docket No.07953.0004.999

This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required under 37 C.F.R. § 1.97(b).

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: June 5, 1998

HOWREY & SIMON
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(650) 463-8100

for J. David Smith Reg. No. 39,839
Albert P. Halluin (Reg. No. 25,227)

INFORMATION DISCLOSURE CITATION SUPPLEMENTAL PTO-1449	ATTORNEY'S DKT No. 07953.0004.999	APPLICATION No. 08/844,336
	APPLICANT Pamela A. Contag, et al.	
	FILING DATE April 18, 1997	GROUP 1815

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,762,701	8/8/1988	Horan, et al.	424	11	
	4,912,031	3/27/1990	Compton, et al.	435	7	
	5,283,179	2/1994	Wood	435	8	
	5,622,868	4/22/1997	Clarke et al.	436	147	
	5,281,539	1/25/1994	Schramm	436	518	
	5,283,179	2/1/1994	Wood	435	8	
	5,418,132	5/23/1995	Olivo	435	5	
	5,466,575	11/14/1995	Cozzette	435	6	

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	0 263 657	13.04.88	EP				
	0 730 868 A1	19.02.1996	EP				
	WO 86/01806	27 03.1986	PCT				
	WO 86/01805	27 03.1986	PCT				
	0 263 657 A3	05.10.87	EP				
	WO 91/01305	07.02.91	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Alfano, R.R., et al., 1987, "Flourescence Spectra from Cancerous and Normal Human Breast and Lung Tissues," <i>IEEE Journal of Quantum Electronics</i> QE-23 (10): 1806-1811
Alfano, R.R., et al., 1991, "Light Sheds Light on Cancer-Distinguishing Malignant Tumors from Benign Tissues and Tumors," <i>Bull N.Y. Acad. Med.</i> 37(2):143-150
Araki, Kazuo, 1995, " Photo-detection of transferred gene expression in fish," <i>Chemical Abstracts</i> 123: Abstract no. 189418
Casedi, J., et al., 1990, "Expression and Secretion of Aequorin as a Chimeric Antibody by Means of a Mammalian Expression Vector," <i>Proc. Natl. Acad. Sci. USA</i> 87:2047-2051
Chalfie, M. et al., 1994, "Green *Flourescent Protein as a Marker for Gene Expression," <i>Science</i> 263:802-805
Contag et al., 1994, "Optical tracking of Infection In Vivo Using Light- Generating Probes," <i>Pediatric Research</i> 37:172A
Hooper, C.E., et al., CCD Imaging of Luciferase Gene Expression in Single Mammalian Cells," <i>Journal of Bioluminescence and Chemiluminescence</i> , 5:123-130
Horan, et al., 1990, "Flourescent Cell Labeling for In Vivo and In Vitro cell tracking," <i>Methods in Cell Biology</i> 33:469-490
Korpela, M. et al., " Stable light emitting Escherichia coli as a Biosensor," <i>Journal of Bioluminescence and Chemiluminescence</i> 4: 551-554
Kuhn et al., 1991 <i>Arch Surg.</i> 126:1398-1403
Mackay et al., 1994, "Thermostability of bacterial luciferase expressed in different microbes," <i>J. Appl. Bacteriol.</i> 77: 149-54 (WILL BE SENT UNDER SEPARATE COVER)
Mayer et al., 1994, "Luminescent Labels-More than just an Alternative to Radioisotopes?," <i>Angewandte Chemie International Edition</i> 33:1044-10-22
Meighen, E.A., 1993, "Bacterial Bioluminescence: Organization, Regulation and Application of the lux Genes," <i>The FASEB Journal</i> 7:1016-1022
Mueller-Kliesser and Walenta, 1993, " Geographical Mapping of Metabolites in Biological Tissue with Quantitative Bioluminescence and Single Photon Imaging," <i>Histochemical Journal</i> 25:407-420
Schaefer, C. et al., 1992, "Oxygentaion and Bioenergetic Status of Murine Fibrosarcomas," <i>Oxygen Transport to Tissue XIV</i> (Erdman, W. and D.F. Bruley, eds., Plenum Press, New York: 161-166

INFORMATION DISCLOSURE CITATION SUPPLEMENTAL PTO-1449	ATTORNEY'S DKT No. 07953.0004.999	APPLICATION No. 08/844,336
	APPLICANT Pamela A. Contag, et al.	
	FILING DATE April 18, 1997	GROUP 1815
EXAMINER		DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance <u>and</u> not considered. Inc		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	Tamiya, et al., 1990, "Spatial Imaging of Luciferase Gene Expression in Transgenic Fish," <i>Nucleic Acids Research</i> <u>18</u> (4):1072	
	Tang, et al., 1989, "Spectroscopic Difference between Human Cancer and Normal Lung and Breast Tissues," <i>Lasers in Surgery and Medicine</i> <u>9</u> :290-295	
	Wood, et al., 1989, "Complementary DNA Coding Click Beetle Luciferases Can Elicit Bioluminescence of Different Colors," <i>Science</i> <u>244</u> :700-702	
	Zhang, et al., 1994, "Luciferase Activity as a Marker of Tumor Burden and as an indicator of Tumor Response to Antineoplastic Therapy <i>in vivo</i> ," <i>Clin. Exp. Metastasis</i> <u>12</u> :87-92	
EXAMINER		DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

BEST AVAILABLE COPY

(JDS)

Date Mailed: June 5, 1998

EXPRESS MAIL NO. EM555262605US

Atty. Docket: 07953.0004.999

Applicants:

Pamela R. Contag, *et al.*

Title:

Biodetectors Targeted to Specific Ligands

Group Art Unit: 1815

Filing Date: April 18, 1997

Application No.: 08/844,336

Examiner: Unassigned

Assistant Commissioner for Patents
Washington, DC 20231

SIR:

Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. First Supplemental Information Disclosure Statement (last page in duplicate);
2. PTO-1449 (2 sets);
3. 32 references; and
4. Return post card.

CLIENT COPY

BEST AVAILABLE COPY